

MARQUIS AURBACH COFFING

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARSENAL, INC., a domestic corporation,
Plaintiff,

Case No: 2:11-cv-01628-KJD-CWH

vs.

ADAM NEAL, an individual; DOES 1 through
10, inclusive, and ROES 1 through 10, inclusive,
Defendant.

ORDER GRANTING PRELIMINARY INJUNCTION

This Court having considered the pleadings, papers and documents on file herein and being otherwise fully advised, and good cause appearing therefore, hereby FINDS as follows:

(1) Defendant Adam Neal ("Neil") published a series of videos regarding Plaintiff Arsenal Inc.'s ("Arsenal") goods and services to third parties via the internet through "YouTube," <<http://www.youtube.com>>, under the name "MrAk47master."

(2) Specifically, on July 9, 2010 Neal published a video on "YouTube" under his username claiming that Arsenal goods were below specific standards in quality (hereinafter "Combat Ready Video"). The Combat Ready Video can be found at <http://www.youtube.com/user/MrAk47master#/p/u/10/riIXDi0RAcI>. In the Combat Ready Video, Neal claims Arsenal's goods are not "combat ready" because they did not meet his expectations in a torture test unsubstantiated by any firearm organization.

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1 (3) On August 10, 2010, Neal published a video on "YouTube" under his username
2 wherein he fired a gun rapidly and threw dirt on it ("Test Video"). The test video can be found
3 at <http://www.youtube.com/user/MrAk47master#p/u/9/xEkGnhO16MM>. Then, after stating that
4 the gun had jammed several times, Neal concluded the gun did not perform as it should have.

5 (4) Throughout the Combat Ready Video and the Test Video, Neil asserts and
6 concludes Arsenal's goods and services are not MIL-SPEC.

7 (5) After evaluating Arsenal's claims, this Court has found Neil is liable for Business
8 Disparagement as Neal's statements contained within the Combat Ready Video and Test Video
9 are false and disparaging, asserted without privilege, made with malice, and caused Arsenal to
10 suffer special damages.

11 (6) This Court has also concluded Neil is liable for Interference for Prospective
12 Economic Advantage because Neil intentionally interfered with Arsenal's prospective
13 contractual relations with third parties without having privilege or justification; and this
14 interference caused actual harm.

15 Based upon the foregoing,

16 IT IS HEREBY ORDERED that Arsenal is entitled to a Preliminary Injunction in the
17 instant matter;

18 IT IS FURTHER ORDERED that the Court finds Arsenal is likely to suffer irreparable
19 harm in the absence of preliminary relief if Neil is permitted to continue publishing his Combat
20 Ready Video and his Test Video;

21 IT IS FURTHER ORDERED that the Court finds Arsenal has succeeded on the merits of
22 its Business Disparagement and Interference with Prospective Economic Advantage claims;

23 IT IS FURTHER ORDERED that the Court finds Arsenal's hardship will outweigh
24 Neal's hardship;

25 IT IS FURTHER ORDERED that Neil shall hereby REMOVE the Combat Ready Video
26 and the Test Video from "YouTube" immediately;


1 IT IS FURTHER ORDERED that Neil shall hereby REMOVE the Combat Video and the
2 Test Video from every other domain, forum, or space wherein they can be viewed by third
3 parties immediately.

4 IT IS FURTHER ORDERED that all third party hosts, hosting sites, cloud based servers
5 and all other hosted storage mediums, including but not limited to "YouTube", remove and take
6 down the Combat Video and the Test Video; including all meta data, meta tags, and history.

7 IT IS FURTHER ORDERED that any hosts, hosting sites, cloud based servers, and all
8 other hosted storage mediums, including but not limited to "YouTube", permanently delete and
9 destroy the Combat Video and the Test Video; such that search engines, web crawlers, and users
10 are forever unable to access the Combat Video and the Test Video or any history thereof.

11 IT IS FURTHER ORDERED that "YouTube" and all other web hosts shall remove the
12 Combat Ready Video and the Test Video from its servers immediately.

13 Dated this 28th day of June, 2013.



Kent J. Dawson
United States District Judge

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17 Respectfully submitted:

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